

Message Text

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ACTION NEA-10

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FM AMEMBASSY KATHMANDU

TO SECSTATE WASHDC 5032

INFO AMEMBASSY NEW DELHI

C O N F I D E N T I A L KATHMANDU 2022

E.O. 11652: GDS

TAGS: PINS PINT NP

SUBJECT: GOVERNMENT TO FACILITATE RETURN OF EXILES

1. WE HAVE LEARNED FROM RELIABLE SOURCES THAT PRIME MINISTER GIRI HAS DECIDED TO TAKE FURTHER STEPS TO IMPROVE LIBERAL IMAGE OF HIS GOVERNMENT. MOST IMPORTANT OF THESE MEASURES IS ORDER TO ALL ZONAL COMMISSIONERS NOT TO "HINDER OR CREATE ARTIFICIAL OBSTACLES" FOR THOSE POLITICAL EXILES WHO WISH TO RETURN TO NEPAL. LARGEST SUCH GROUP OF COURSE IS THAT OF NEPALI CONGRESS PARTY SUPPORTERS NOW RESIDING IN INDIA. ALTHOUGH EXACT STATISTICS ARE IMPOSSIBLE TO OBTAIN, ONE CONGRESS PARTY LEADER IN KATHMANDU TOLD EMBOFF THAT AS MANY AS 25 HAD RETURNED TO NEPAL IN PAST SEVERAL MONTHS.

2. AT SAME TIME GOVERNMENT HAS MADE CLEAR THAT PERMISSION TO RETURN DOES NOT APPLY TO THOSE PERSONS FOR WHOM A JUDICIAL WARRANT IS OUTSTANDING. THIS REGULATION EFFECTIVELY PRECLUDES LEADERS SUCH AS W. P. KOIRALA AND HIS BROTHER G. P. KOIRALA FROM RETURNING SINCE BOTH HAVE BEEN INDICTED IN ABSENTIA IN CONNECTION WITH 1974 GRENADE ATTACK IN BIRATNAGAR.

3. GIRI IS ALSO CONTEMPLATING RELEASE OF 50 OR SO PRISONERS

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STILL HELD UNDER THE PUBLIC SECURITY ACT. ALTHOUGH THE

MAJORITY OF REMAINING DETAINEES ARE HELD IN CONNECTION WITH LEGITIMATE VIOLATION OF CIVIL OR CRIMINAL CODE GIRI IS REPORTED TO BE CONSIDERING THEIR RELEASE AND HAS CHARGED A STUDY GROUP TO PROVIDE RECOMMENDATIONS TO HIM IN NEAR FUTURE.

4. ACCORDING TO REPORT IN KATHMANDU DAILY NEW HERALD, PRIME MINISTER HAS ALSO ORDERED A REVIEW OF 1975 PRESS ACT WHICH ESTABLISHED NEW LIMITS ON FREEDOM OF PRESS. PRESS ACT HAS BEEN UNDER ATTACK FROM VARIETY OF QUARTERS SINCE ITS ENACTMENT AND LEADING JOURNALISTS ARE KNOWN TO HAVE URGED GIRI TO "CORRECT ERRORS OF HIS PREDECESSOR" BY EITHER REPEALING LAW OR SUBSTANTIALLY LIBERALIZING ITS PROVISIONS WHICH ALL BUT PROHIBIT CRITICISM OF MEMBERS OF GOVERNMENT. PRIME MINISTER IS BELIEVED TO HAVE TAKEN ADVICE AND WILL SHORTLY ANNOUNCE AMENDMENTS TO ACT BUT WILL NOT REPEAL BAN ON FIVE NEWSPAPERS (PRO-INDIAN AND PRO-SOVIET) WHICH WENT INTO EFFECT AT SAME TIME AS PRESS ACT.

5. COMMENT: NEGOTIATIONS BETWEEN THE CONGRESS PARTY AND THE PALACE HAVE BEEN GOING ON SINCE DECEMBER WHEN THE KING PROMULGATED THE SECOND CONSTITUTIONAL AMENDMENT. THE KING REPORTEDLY HAS AGREED TO THE RETURN OF POLITICAL EXILES, PROVIDING THEY STATE IN WRITING THEIR WILLINGNESS TO RESPECT THE PARTYLESS PANCHAYAT SYSTEM. HE HAS, HOWEVER, REFUSED CONGRESS PARTY DEMANDS TO RETURN ALL PROPERTY CONFISCATED FROM EXILES ON THE GROUNDS THAT IT HAS BEEN REDISTRIBUTED AND CANNOT BE RECLAIMED.

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